

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA, ET AL.,

Plaintiffs,

v.

AMERICAN AIRLINES GROUP INC. and  
JETBLUE AIRWAYS CORPORATION,

Defendants.

Civil Action No. 1:21-cv-11558-LTS

**DEFENDANTS' UNOPPOSED MOTION FOR STATUS CONFERENCE  
REGARDING TRIAL PROCEDURE**

Defendants American Airlines Group Inc. (“American Airlines”) and JetBlue Airways Corporation (“JetBlue”) (collectively, the “Defendants”) respectfully request that the Court schedule a status conference for the earliest available date in the Court’s calendar in order to provide guidance to the parties regarding the schedule for trial and other issues of trial procedure.

This case is currently set to begin trial on “September 26, 2022 or at the Court’s earliest convenience thereafter.” Supplemental Scheduling and Case Management Order (ECF No. 76). In advance of trial, the parties must submit a Pretrial Order on September 9, and the Court will hold a Final Pretrial Conference the afternoon of September 19. *Id.* However, as the trial approaches, Defendants have identified certain items that would benefit from the Court’s consideration before the Final Pretrial Conference on September 19.

Most pressing is the issue of what notice Plaintiffs must provide to Defendants’ employees who will be called in Plaintiffs’ case. According to Plaintiffs’ witness list, Plaintiffs plan to call adverse in their case 14 JetBlue and American Airlines employees, many of whom are high-level

executives for Defendants, including the CEOs of both companies. In order to accommodate the needs of these executive witnesses, Defendants have requested that Plaintiffs provide 30 days' notice of the date that they expect to call a witness to testify, and to confirm by August 26 that Plaintiffs actually intend to call each of these six executive witnesses.

On a meet and confer between the parties on this issue on August 4, 2022, Plaintiffs advised that they believe there is too much uncertainty in the trial schedule and other logistical issues to allow them to provide any information as to when they expect any of the witnesses to testify. Specifically, Plaintiffs note that they require additional clarity as to the planned length of trial days, if there are any days additional to those already noted where the Court does not intend to hold trial, the length of time each side has to present its case, and whether the Court would prefer the parties to present deposition testimony live in Court or by submitting video or transcripts. Plaintiffs instead proposed, on August 10, 2022, that the parties exchange order of witnesses on September 19, immediately after the Final Pretrial Conference when the Court will presumably resolve these and other issues. On August 10, 2022, Plaintiffs also notified Defendants that they would send the trial procedures sections of a proposed draft pretrial order on August 12, 2022, which they did provide. Plaintiffs' notice proposal is unworkable for Defendants.

Nearly all of the Defendants' executives who are on Plaintiffs' witness list are also on Defendants' witness list, which means that Defendants' executives are currently holding their time for the entire duration of trial. Although potential witnesses have been aware of the trial dates and are prepared to adjust their work and personal commitments to accommodate this important matter, it is not realistic or fair to require numerous high-level executives to continue blocking out an entire three-week period until only a week before trial.

Defendants believe that it would be more efficient for the parties and Court to hold an interim status conference to discuss and resolve, in advance of the filing of the Pretrial Order on September 9, these issues of trial procedure (and any others that the Court wishes to address),<sup>1</sup> including the date the trial will begin (September 26 being the first day of Rosh Hashanah). This guidance will significantly aid in the upcoming meet and confer process, required under the Case Management Order to take place on or before August 23, 2022, and will allow the parties to prepare their cases for trial, including allowing the parties to determine the order and days in which they intend to call witnesses. With regard to the notice for Defendants' executives, resolution simply cannot wait until the Final Pretrial Conference given that the entire purpose of Defendants' request is to have advance notice (much more than one week) of when and if these executives will be called by Plaintiffs.

WHEREFORE, Defendants respectfully request that the Court grant Defendants' Request and schedule a Status Conference for the earliest available date in the Court's calendar.

Dated: August 12, 2022

Respectfully submitted,

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<sup>1</sup> For example, regarding the Court's preferences for the treatment of confidential information and the admission of proposed exhibits.

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#### **LOCAL RULE 7.1 CERTIFICATION**

Pursuant to Local Rule 7.1(a)(2), I hereby certify that I conferred with counsel for Plaintiffs in a good faith effort to resolve or narrow the issues presented in this motion prior to filing. Plaintiffs agreed not to oppose this request for a status conference but disagree with Defendants that these issues require the Court's immediate attention given the process outlined in the Scheduling and Case Management Order, including the procedural issues to be covered in a pretrial order, a draft of which Plaintiffs provided to Defendants on August 12, 2022.

/s/ Allyson M. Maltas  
Allyson M. Maltas

#### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing.

/s/ Allyson M. Maltas  
Allyson M. Maltas